



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **March 10, 2011**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on March 8, 2011.**

BACKGROUND/OVERVIEW

Section 90001 of the Act describes cases in which mandatory audits and investigations are to be performed by the Commission. Subdivision (i)(2) of Section 90001 provides that candidates for the Board of Administration ("CalPERS Board") of the Public Employees' Retirement System ("CalPERS") are subject to audit by a method of selection promulgated by the Commission. The Commission adopted Regulation 18997, which requires audits of CalPERS Board candidates when such candidates receive contributions aggregating \$5,000 or more.

Effective January 1, 2011, the Act was amended to also regulate candidate elections to the Teacher's Retirement Board ("CalSTRS Board") of the California State Teacher's Retirement System. (See Senate Bill 1007, Ch. 633, Stats 2010.) This amendment did not make candidates for the CalSTRS Board subject to mandatory audits under Section 90001, as are candi-

dates for the CalPERS Board. However, because both CalPERS and CalSTRS board members engage in similar activities and their campaigns for election draw similar support and opposition, the Commission thinks that these candidates' election committees should be audited based on the same criteria.

Section 81003 states that the Act should be liberally construed to accomplish its purposes and Section 83112 provides that the "Commission may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of this title, and to govern procedures of the Commission." Additionally, Section 90003 provides the Commission with power to conduct discretionary audits along with the Franchise Tax Board. Therefore, in accordance with these provisions, the Commission proposes to amend Regulation 18997 to make CalSTRS Board candidates subject to the same audit requirements as CalPERS Board candidates.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18997

Amend Regulation 18997 to include CalSTRS Board candidates, so that they are subject to the same audit procedures as CalPERS Board candidates. This amendment would provide that CalSTRS candidates will be subject to audit by the Commission when receiving contributions aggregating \$5,000 or more for an election.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 81003, 83112, 90001, and 90003.

CONTACT

Any inquiries should be made to Sukhi K. Brar, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: North Coast Unified Air Quality Management District
Western Municipal Water District

A written comment period has been established commencing on **February 4, 2011**, and closing on **March 21, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **March 21, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code(s) and approve it as revised, or return the proposed code(s) for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **March 10, 2011**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on March 8, 2011**.

BACKGROUND/OVERVIEW

The Political Reform Act prohibits candidates and certain persons involved with candidates from personally benefitting from their campaigns. Section 89517 states that campaign funds may not be used to lease real property or to purchase, lease, or refurbish any appliance or equipment if the candidate, elected officer, campaign treasurer, or any individual or individuals with authority to approve the expenditure of campaign funds is the lessee or sublessor or holds title to the property. The purpose of this section of the Act is to prevent a candidate (or those close to him or her) from benefitting from his or her campaign. To close a loophole that allows a candidate's business entity from a similar benefit, staff proposes that the Commission adopts a regulation to address this point.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18957.

The Commission will consider adopting new Regulation 18957 to address the issue of a candidate who bene-

fits from his or her campaign when that campaign leases real property through a business entity in which a candidate, elected officer, campaign treasurer, or any individual or individuals with authority to approve the expenditure of campaign funds has an interest of 10% or more.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 82036, 82036.5, 84203, 84203.3, and 84204.

CONTACT

Any inquiries should be made to Heather M. Rowan Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

(the “Act”)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **March 10, 2011**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on March 8, 2011.**

BACKGROUND/OVERVIEW

Section 87100 states that no public official “shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.” Section 87103 specifies that an official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on the official, a member of his or her immediate family, or any economic interest set forth in Section 87103(a) through (f), which is “*distinguishable from its effect on the public generally.*” (Emphasis added.) As interpreted in Commission regulations, the public generally exception of Section 87103 permits a public official, otherwise disqualified from making, participating in making, or influencing a governmental decision under Section 87100 to take part in the decision if the decision affects a “significant segment” of the public in “substantially the same manner.” (See Regulations 18707–18707.9.)

Regulation 18707.9 provides a specialized form of the public generally rule applicable to public officials who own multiple residential rental units. As originally adopted, Regulation 18707.9 codified the Commission’s *Ferraro* ((1978) 4 FPPC Ops.62) and *Overstreet* ((1981) 6 FPPC Ops. 12) opinions, which provided that owners of three or fewer residential rental units would be treated the same as other residential rental unit owners in determining whether a significant segment of residential rental units owners were affected in substantially the same manner.

Nonetheless, elements of Regulation 18707.9 have proved problematic since its first adoption. For instance, the regulatory language does not clearly apply only to economic interests resulting from the ownership of residential *rental* units and does not indicate whether

subdivision (b) may be applied independently of subdivision (a). Attempting to implement the intended purposes of Regulation 18707.9, Commission staff has subsequently advised that (1) Regulation 18707.9 applies only to economic interests resulting from the ownership of residential rental units (See *Givner* Advice Letter, No. 1–08–117 and *Biggs* Advice Letter, No. A–02–102) and that (2) subdivision (b) is limited by subdivision (a) and therefore applies only if a public official owns three or fewer residential rental units (See *Jones* Advice Letter, No. A–10–051 and *Givner* Advice Letter, No. A–09–152).

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18707.9 — The Commission will consider amending Regulation 18707.9 to clarify its application. Specific proposals the Commission may consider include, but are not limited to, the following:

- Clearly limiting the application of Regulation 18707.9 to economic interest resulting from the ownership of residential rental units.
- Specifying whether Regulation 18707.9(a) limits the application of Regulation 18707.9(b) to public officials who own three or fewer residential rental units.
- Further clarifying the significant segment of the public that must be affected by a governmental decision when applying Regulation 18707.9.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 87103.

CONTACT

Any inquiries should be made to Brian G. Lau, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below in the Informative Digest after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the proposed addition of section 570.5 and amendment to section 571, subdivision (b) will ensure consistency between CalPERS employers as well as enhance disclosure and transparency of public employee compensation by requiring that the payrate or item of special compensation be listed on a schedule or in a document. This proposed regulatory action clarifies and makes specific requirements for publicly available pay schedule and labor policy or agreement. As used in this regulation, labor policy or agreement means any written policy, agreement, memorandum of understanding, legislative action of the elected or appointed body governing the employer, or any other document used by the employer to specify the payrate, special compensation, and benefits of represented and unrepresented employees.

II. WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on March 21, 2011. The Regulations Coordinator must receive all written

comments by the close of the comment period. Comments may be submitted via fax at (916) 795-4607; e-mail at: Veronica_Mora@calpers.ca.gov; or mailed to the following address:

Veronica Mora, Regulations Coordinator
California Public Employees' Retirement System
P.O. Box 942707
Sacramento, California 94229-2707
Telephone: (916) 795-0713

III. PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to CalPERS no later than 15 days prior to the close of the written comment period.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

V. AUTHORITY AND REFERENCE

The CalPERS Board of Administration (Board) has general authority to take regulatory action under Government Code section 20121. The Board has specific authority to adopt proposed sections 570.5 and 571 under Government Code section 20636 and 20636.1.

This action would be declaratory of the existing law, and serve an informative function for workers and employers who are unfamiliar with these existing laws.

Authority cited for section 570.5 is sections 20120 and 20121 of the Government Code. Reference is sections 20630, 20636 and 20636.1 of the Government Code.

Authority cited for section 571 is sections 20636(c)(6), 20636.1(c)(6), 20120 and 20121 of the Government Code. Reference is sections 20630, 20636, 20636.1 and 20691 of the Government Code.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Only "compensation earnable" (defined under Government code sections 20636 and 20636.1 and corresponding regulations to include "payrate" and "special compensation") can be reported to CalPERS and considered in calculating retirement benefits. Generally the law requires that a member's payrate be shown on a publicly available pay schedule, that special compensa-

tion be limited to items included in a labor policy or agreement, and that all records establishing and documenting payrate and special compensation be available for public scrutiny. Employers have not uniformly adhered to these requirements.

Failure to adhere to these laws has sometimes resulted in audit findings, reversals of payroll, adjustments to retirement benefit calculations and increased workload for both CalPERS staff and employers. It is anticipated that these proposed changes to the regulations will provide CalPERS employers the details necessary to comply with the statutory provisions.

The proposed addition of section 570.5 and amendment to section 571, subdivision (b) will ensure consistency between CalPERS employers as well as enhance disclosure and transparency of public employee compensation by requiring that the payrate or item of special compensation be listed on a schedule or in a document that:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meeting laws;
- Has been posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's Internet website;
- Indicates the effective date and date of any revisions;
- Is retained by the employer and available for public inspection for not less than five years;
- Does not reference another document in lieu of disclosing the payrate or item of special compensation;
- For payrate, identifies the position title for every employee position, shows the payrate for each position, and identifies the time base;
- For special compensation, indicates the conditions for payment.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to public employees working in positions qualified for membership in CalPERS.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action imposes a mandate on local agencies or

school districts, related to the publication of pay schedules.

- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500, et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action has no significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** The CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect.

IX. CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Tomi Jimenez
Employer Services Division
California Public Employees' Retirement System
P.O. Box 942709
Telephone: (916) 795-0340
E-mail: tomi_jimenez@calpers.ca.gov

Please direct requests concerning processing of this regulatory action to Veronica Mora, CalPERS Regulations Coordinator, at the address shown above, or (916) 795-0713 (veronica_mora@calpers.ca.gov).

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Veronica Mora, Regulations Coordinator, at the address shown in Section II.

XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed regulations after the public comment period has closed. It may amend the proposed regulations as modified, if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, who testified or submitted written comments at

the public hearing, or asked to be kept informed as to the outcome of this regulatory action.

XIII.

One can access the regulatory material regarding this action at CalPERS' website at www.calpers.ca.gov under About CalPERS > Legislation, Regulations & Statutes > Regulatory Actions > Current Regulatory Actions.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Notice of Proposed Rulemaking

45 — Day Notice

The Department of Food and Agriculture amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action which was effective on December 30, 2010. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 28, 2011.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to sbrown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on March 21, 2011. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
sbrown@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

AMENDED TEXT

This emergency action expanded the quarantine area for ACP by approximately 3,625 square miles; including approximately 312 square miles of Santa Barbara County; approximately 1,834 square miles of Ventura County; approximately 700 square miles of San Bernardino County; and, approximately 1,779 square miles of Riverside County. The entire counties of Imperial, Los Angeles and Orange; and, portions of Riverside, San Bernardino and San Diego are already under quarantine for ACP. The total proposed quarantine area would then become approximately 20,562 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities

against ACP within this additional area and existing regulated areas.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: A representative person or business could incur costs of approximately \$1,160 to \$3,320 per year in reasonable compliance with the proposed action.

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California

Significant effect on housing costs: None.

Small Business Determination

The Department has determined that the proposed regulations may affect small business.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3434 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfaca.gov/phpps/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF PROPOSED REGULATIONS

Title 15, Crime Prevention and Corrections

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by

Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3025, 3291, 3296, 3300, 3301, 3383 and 3397, and repeal Section 3302, in the California Code of Regulations (CCR), Title 15 concerning the Office of Correctional Safety.

PUBLIC HEARING

Date and Time: April 1, 2011 — 10:00 a.m. to 11:00 a.m.
Place: Department of Corrections and Rehabilitation
Kern Room
1515 S Street — North Building
Sacramento, CA 95811
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close April 1, 2011, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 445-2269**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Josh Jugum, AGPA
Regulation and Policy Management Branch
Telephone (916) 445-2228**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Richard Calderon, Correctional Captain
Telephone (916) 324-8994**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, nor a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 through 17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within

California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action provides the following:

- Updates regulations regarding the Office of Correctional Safety (OCS) to remain consistent with governing statutes, the major reorganization of the CDCR in 2005, and subsequent changes to duties and responsibilities within the Department.
- Updates the regulations to remove or replace outdated position titles and office designations.
- Updates the regulations to add or amend Authority and Reference citations where necessary.
- Repeals Title 15, Division 3, Section 3302, Emergency Preparedness Plan. The updated version of this plan contains confidential operational and tactical information which could jeopardize the safety and security of the institution if it were made public. Such information is protected from public disclosure by Government Code Section 6254.

**TITLE 16. BOARD OF BARBERING
AND COSMETOLOGY**

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as "The Board") is proposing to take the action described in the Informative Digest. Any person interested may

present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the following date, time and location:

March 21, 2011

10:00 a.m.

Board of Barbering and Cosmetology
Sequoia Room
2420 Del Paso Road
Sacramento, California 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on March 21, 2011 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Sections 7312 of the Business and Professions Code, and to implement, interpret or make specific Sections 7403 and 7404 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Amend Section 972 of the California Code of Regulations

Business and Professions Code Sections 7312 authorizes the Board to discipline persons who violate the provisions of the Barbering and Cosmetology Act, while Sections 7303 and 7404 define the circumstances under which a license may be denied, revoked and suspended and the grounds for disciplinary action in general.

The proposed regulations update the Board's existing "Disciplinary Guidelines" manual (Revised October 2010), which is incorporated by reference in Section 972. These guidelines are used to assess penalties

against licensees, prospective licensees and other persons who violate the Barbering and Cosmetology Act and other pertinent California laws. The guidelines help insure disciplinary cases are handled in a fair and equitable manner.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State :

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement:

None.

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

This proposal would have no effect on a small business establishment licensed by the Board unless that establishment was subject to disciplinary action.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is pro-

posed or would be as effective and less burdensome to affected private persons than the proposed action.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Rd., Suite 100, Sacramento, CA 95834.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Contact Person:

Name: Kevin Flanagan
Address: 2420 Del Paso Rd., Suite 100
Sacramento, CA 95834
Telephone: (916) 575-7100
Fax: (916) 575-7281
Email Address: Kevin.Flanagan@dca.ca.gov

Backup Contact Person:

Name: Kari Frank
Address: 2420 Del Paso Rd., Suite 100
Sacramento, CA 95834
Telephone: (916) 575-7100
Fax: (916) 575-7281
Email Address: Kari.Frank@dca.ca.gov

Web Site Access

Materials regarding this proposal can be found at www.barbercosmo.ca.gov.

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as "The Board") is proposing to take the action described in the Informative Digest after considering all comments, objections and recommendations.

The Board has not scheduled a hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on March 21, 2011. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Section 7312 of the Business and Professions Code and Section 1719 of the Civil Code; and to implement, interpret or make specific Section 6157 of the Government Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 999

Section 7312 of the Business and Professions Code; Section 1719 of the Civil Code; and Section 6157 of the Government Code authorize the Board to charge a dishonored check fee of up to \$25 for a personal check that

is returned without payment, provided the fee is reasonable and doesn't exceed the actual cost of processing the check. This proposed regulation would change the current \$10 fee charged by the Board to the fee amount set by the California Department of Consumer Affairs, which currently stands at \$25.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

None

Nondiscretionary Costs/Savings to Local Agencies

None

Local Mandate

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement

None

Business Impact

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California

Cost Impact on Representative Private Person or Business

The cost impact that a representative private person or business would incur because of the proposed action depends upon their compliance with the Board's regulation, but is not expected to be significant.

Effect on Housing Costs

None

EFFECT ON SMALL BUSINESS

This proposal would have no effect on a small business establishment licensed by the Board unless that establishment wrote a check to the Board with insufficient funds to cover that check.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in

carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Rd., Suite 100, Sacramento, CA 95834.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Contact Person:

Name: Kevin Flanagan
Address: 2420 Del Paso Rd., Suite 100
Sacramento, CA 95834
Telephone: (916) 575-7100
Fax: (916) 575-7281
Email Address: Kevin.Flanagan@dca.ca.gov

Backup Contact Person:

Name: Kari Frank
Address: 2420 Del Paso Rd., Suite 100
Sacramento, CA 95834
Telephone: (916) 575-7100
Fax: (916) 575-7281
Email Address: Kari.Frank@dca.ca.gov

Web Site Access

Materials regarding this proposal can be found at www.barbercosmo.ca.gov.

**TITLE 16. DENTAL HYGIENE
COMMITTEE OF CALIFORNIA**

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Dental Hygiene Committee of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the:

Department of Consumer Affairs
1st Floor Hearing Room
2005 Evergreen Street
Sacramento, California on

March 21, 2011

10:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact in this Notice, must be received by the Dental Hygiene Committee of California (hereinafter "Committee") at its office not later than 5:00 p.m. on March 21, 2011, or must be received by the Committee at the hearing. The Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1906 of the Business and Professions Code, and to implement, interpret or make specific Sections 11400.20 of the Government Code, the Committee is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Adopt proposed Title 16 of the California Code of Regulations Sections 1139, 1140, 1141, 1142, 1143, and 1144

The existing citation and fine guidelines in the Dental Practice Act are the model for the proposed citation and fine guidelines in the proposed regulations by the Den-

tal Hygiene Committee of California. The specific proposed sections are to establish citation and fine criteria and procedural practices that the Dental Hygiene Committee of California will use for the issuance of citations, fines, and orders of abatement as well as the procedures for appeal.

The proposed regulations will assist the Dental Hygiene Committee of California's Enforcement Staff in pursuing citations and fine actions against dental hygiene licensees who are in violation of the law to better protect consumers.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Requires Reimbursement: None

Business Impact: The Committee has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

These regulations will provide direction to administrative law judges who determined penalties for dental hygienists, dental hygienists in alternative practice and dental hygienists with extended functions who have violated provisions of statutory law or regulations.

Impact on Jobs/New Businesses: The Committee has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Committee has determined that the proposed regulations would not have a significant economic impact on small businesses unless those small businesses were owned by dental hygienists in alternative practice who have violated the statutes or regulations contained within the California Business and Professions Codes and Regulations.

CONSIDERATION OF ALTERNATIVES

The Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Hygiene Committee of California at 2005 Evergreen Street, Suite 1050, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Traci Napper, Legislative Analyst
 Address: 2005 Evergreen Street, Suite 1050
 Sacramento, CA 95815
 Telephone No.: (916) 263-2572
 Fax No.: (916) 263-2688
 E-Mail Address: Traci_Napper@dca.ca.gov

The backup contact person is:

Name: Lori Hubble, Executive Officer
 Address: 2005 Evergreen Street, Suite 1050
 Sacramento, CA 95815
 Telephone No.: (916) 263-1978
 Fax No.: (916) 263-2688
 E-Mail Address: Lori_Hubble@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Committee's website: www.dhcc.ca.gov.

TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES

ACTION: Notice of Proposed Rulemaking
 Title 22, California Code of Regulations
 SUBJECT: Upkeep & Repair Deduction for Persons in Long Term Care, DHCS-09-012

PUBLIC PROCEEDINGS

Notice is hereby given that the Department of Health Care Services (Department) will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Title XIX of the Social Security Act is a federal/state entitlement program that pays for medical assistance for certain individuals and families with low incomes and resources. This program, known as Medicaid, became law in 1965 as a cooperative venture jointly funded by the federal and state governments to assist states in furnishing medical assistance to eligible needy persons. Medi-Cal is California's Medicaid program. It provides vital health and long-term care coverage to low-income children, their parents, elderly and dis-

abled Californians. Medi-Cal is administered by the Department of Health Care Services (Department).

A Medi-Cal eligibility determination is made based on program rules, as to whether an individual qualifies for benefits under the program. An individual must not exceed the established property/asset limits in order to become Medi-Cal eligible. Income deductions are applied to an individual's gross income. The remainder, after deductions are subtracted, is the net nonexempt income. The deduction for home upkeep and repair is one of the deductions for long-term care patients. The appropriate maintenance need level is then subtracted from the net nonexempt income to determine whether an individual has a share of cost or not. The maintenance need level is the amount of monthly income, based upon federal law, that a person or family is deemed to need for food, clothing, housing, etc.

Title 42, Code of Federal Regulations (CFR) Section 435.725(d), sets forth an allowance for home maintenance (the individual can retain more countable income) if the amount is deducted for six months or less and a physician has certified the individual is likely to return home within this period.

This proposed regulatory action amends Title 22, California Code of Regulations Section 50605 that pertains to upkeep and repair needs for persons in long-term care, specifically the allowance for home maintenance under Subsections (b) and (c). Non-substantial grammatical changes are also proposed through this action.

AUTHORITY

Section 20, Health and Safety Code; and Sections 10725, 14005.13 and 14124.5, Welfare and Institutions Code.

REFERENCE

Title 42, Code of Federal Regulations, Section 435.725(d); and Sections 14005.7, 14005.12 and 14005.13, Welfare and Institutions Code.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m., on March 25, 2011, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Care Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413; or
2. By fax transmission: (916) 440-5748; or
3. By email to regulations@dhcs.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "DHCS-09-012" in the subject line to facilitate timely identification and review of the comment).

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Craig Yagi of the Medi-Cal Eligibility Division, at (916) 445-4062.

All other inquiries concerning the action described in this notice may be directed to Lori Manieri of the Office of Regulations, at (916) 650-6825, or to the designated backup contact person, Lynette Cordell, at (916) 440-7695.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DHCS-09-012.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the In-

ternet may be accessed at www.dhcs.ca.gov by clicking on the Decisions Pending and Opportunity for Public Participation link (from the left menu), then selecting the Proposed Regulations link.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulations@dhcs.ca.gov, or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: Indeterminate.
- C. Fiscal Effect on Federal Funding of State Programs: Indeterminate.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action:
The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other nondiscretionary costs or savings including revenue changes imposed on State or Local Government: None.

DETERMINATIONS

The Department has determined that the proposed regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the proposed regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the proposed regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the proposed regulations would not affect small business. This proposed regulatory action aligns Title 22, CCR Section 50605(b) and (c) with federal regulations regarding the allowance for upkeep of a home for individuals on Medi-Cal in a long-term care facility. These proposed regulations do not impose any additional reporting, recordkeeping, or other compliance requirements on small businesses.

The Department has determined that the proposed regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No public hearing has been scheduled; however, any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. The Department shall consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Susan Pierson, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413; voice (916) 440-7695; and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Amendment of Title 22, California Code of Regulations Sections 1256-9 and 1256-10

COMPELLING FAMILY REASONS

Notice of Proposed Rulemaking

The Employment Development Department (hereinafter "the Department") proposes to amend the California Code of Regulations (CCR), Title 22, Sections 1256-9 and 1256-10, by providing that individuals who voluntarily leave their employment to care for an ill or disabled family member shall have good cause for doing so, including instances when reasonable, alternative care is available. This action is taken in order for the Department to comply with Federal law in administration of the unemployment compensation (UC) program.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The UC program was established as part of the Social Security Act of 1935. Based on Federal and State law, the UC program is administered by the States, and financed by UC tax contributions from employers. The UC program is designed to stimulate local economies by providing temporary, partial wage replacement benefits to individuals who are unemployed through no fault of their own and who meet certain eligibility requirements. Eligibility partly involves the reason or reasons as to why an individual left his or her most recent employer prior to the filing of the UC claim. The Department determines eligibility for UC benefits based upon Federal and State laws.

Article 1, Eligibility and Disqualifications (commencing with Section 1256) of Chapter 5 of Part 1 of the California Unemployment Insurance Code (hereinafter, the Code) states, "An individual is disqualified for unemployment compensation benefits if the director finds that he or she left his or her most recent work voluntarily without good cause or that he or she has been discharged for misconduct connected with his or her most recent work."

Sections 1256-9 and 1256-10 of the CCR, Title 22, currently provides that an individual who voluntarily

leaves his or her employment due to a compelling need to attend to the health, care, or welfare of the individual's family member, left work with good cause, provided reasonable steps were taken to preserve his or her employment, and *no reasonable, alternative care is available*.

The Assistance for Unemployed Workers and Struggling Families Act, Title II of Division B of *The American Recovery and Reinvestment Act (ARRA)*, Public Law (Pub. L.) No. 111-5, Section 2003(a), was enacted February 17, 2009. A new subsection (f) was added to Section 903 of the Social Security Act (42 U.S.C. 1103) providing modernization incentive payments to a State's Unemployment Trust Fund account when the State revises eligibility requirements governing UC benefits.

Seven billion in ARRA incentive funds will be available to qualifying States. Allocation is based on the State's proportionate share of the Federal Unemployment Tax Act taxes paid annually by employers within each State. It is anticipated that California may receive approximately \$839 million in total incentive funds. The funds may be used to pay for UC benefits or to improve services for UC claimants and employers. States must apply for ARRA incentive funds on or before August 22, 2011.

Under ARRA, Section 2003(f)(1)(C), a State may qualify for one-third of its proportionate share if the State's UC law contains an Alternate Base Period (ABP) option. In order to qualify for this amount, California recently passed legislation establishing an ABP consistent with ARRA requirements. Due to this legislation, it is estimated that California's share of the one-third in incentive payments will approximate \$280 million.

California UC law must adopt two of four options as specified by ARRA in order to meet eligibility requirements for the remaining proportionate amount of incentive payments. California met the first requirement by the current law declaring part-time workers (who are available for, and who seek part-time work) eligible for UC benefits if their claims are based upon part-time work.

The second ARRA option elected for implementation is the provision that an individual is not disqualified from receiving UC if they leave work due to certain compelling family reasons. Currently California allows UC benefits for an individual who leaves work due to compelling family circumstances on the condition that reasonable steps were taken to preserve the employment relationship and the individual had *no other reasonable alternative* short of leaving work. However, in order to comply with ARRA and to qualify for the remaining incentive payments, California amended existing law regarding individuals who may leave work due

to domestic violence abuse. California must amend its regulations relating to UC eligibility for individuals who leave work to care for an ill or disabled family member. By implementing these changes, California will earn eligibility for the remaining amount of incentive payments, estimated at \$559 million.

In September 2010, California amended Section 1256 of the Code, relating to an individual's voluntary quit of employment for domestic violence reasons. The amendment concerned an individual and/or his or her family in situations where continued employment would jeopardize the safety of the individual or a member of the individual's family. Previously, California law only covered the individual and/or his or her children.

The proposed regulatory amendments are the final requirements for California to qualify for ARRA incentive payments. Currently, Sections 1256-9 and 1256-10 set forth that an individual may show compelling reasons for quitting work due to the health, care, or welfare of a family member, provided reasonable steps are taken to preserve the employment relationship, and *no reasonable alternative existed* at the time the individual left work to care for an ill or disabled family member. In order to qualify for ARRA, California must eliminate the portion of 1256-9 and 1256-10 regarding "*no reasonable alternative care available*." Individuals who leave work to care for an ill or disabled family member will be required to show the necessity to leave work due to care of an ill or disabled family member and that reasonable steps were taken to preserve their employment, such as requesting a leave of absence, etc. However, individuals will no longer be disqualified *if reasonable, alternative care* was available. As a result, California must amend Sections 1256-9 and 1256-10.

The amendments are necessary to ensure receipt of available ARRA funds for the continued administration of California's UC program. The changes proposed by the Department are minor in nature. Section 1253(c) of the Code requires that claimants must be able and available to accept immediate work. Therefore, claimants who are found eligible under Section 1256 of the Code will be disqualified under Section 1253(c) of the Code if they are not available to accept immediate employment.

In 2009, the Department conducted 2 million UC eligibility determination interview appointments. Approximately 24,000 (or one percent of the total determinations) involved claimants who voluntarily left work due to domestic circumstances. Leaving employment due to domestic reasons may involve a variety of situations; such as domestic violence abuse, to care for an ill or disabled family member, to follow or join a spouse or domestic partner to a new location, or to attend to childcare concerns.

Although the Department cannot estimate the precise number of individuals subject to eligibility as a result of the proposed amendment, only minimal UC costs are anticipated as a result. Furthermore, those potentially eligible claimants may be disqualified pursuant to Section 1253(c) due to the “able and available” requirement.

Without implementation of the proposed regulatory amendments, the Department and the State of California will lose an estimated \$559 million in ARRA funding. For this reason, the Department must revise Sections 1256–9 and 1256–10 to secure eligibility for ARRA funding. The incentive payments provided through ARRA will greatly assist in California’s modernization efforts. In addition, the incentive payments can be used to pay UC benefits, which would mitigate the need to borrow from the federal government given the insolvency of California’s Unemployment Trust fund.

Authority and Reference:

Authority: Sections 305 and 306, Unemployment Insurance Code. Reference: Section 1256, Unemployment Insurance Code.

Fiscal Impact:

Anticipated costs or savings in federal funding to the State: None. While the Department cannot estimate the increase in the number of eligible individuals pursuant to the proposed regulatory action, a historically low percentage of claims involve separations due to compelling family reasons and an even smaller number leave to care for an ill or disabled family member. Even so, it is likely that individuals found eligible may later be determined ineligible for UC benefits under Section 1253(c) of the Code.

Anticipated costs or savings to any State Agency: None.

Anticipated costs or savings to any local agency or school district: None.

Significant statewide adverse economic impact: The Department does not anticipate that this regulatory action will result in significant costs to local county governments, or to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments will not have an adverse economic impact that will affect businesses statewide, including the ability of California businesses to compete with businesses in other States because the amendments involve only a negligible increase in UC benefit eligibility.

The Department has determined that the proposed amendments will not affect the creation or elimination

of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

The cost impact on representative persons or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Anticipated impact on housing costs: These proposed amendments will have no effect on housing costs.

Anticipated non–discretionary costs or savings imposed upon local agencies: None.

Small Business Impact:

These proposed amendments will have no effect on small businesses because it does not impose any new mandates on small businesses. It does not require that small businesses take any action or refrain from taking any action in regards to conducting business.

Local Mandate Determination:

The Department has determined that the proposed regulations will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Consideration of Alternatives:

In accordance with Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Estela Gallawa via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than March 21, 2011 at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Estela Gallawa, Staff Counsel
Employment Development
Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Estela Gallawa, Staff Counsel
Employment Development
Department
800 Capitol Mall, Room 5020
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654-8410
Fax No.: (916) 654-9069
E-Mail Address: eddlegal@edd.ca.gov

Note: In the event Estela is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Debbie Kunitake, Legal
Assistant
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed at this time to:

Name: Estela Gallawa, Staff Counsel
Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its Internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on March 21, 2011.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is sched-

uled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2,

142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING: On **March 17, 2011**, at 10:00 a.m.

in the Auditorium of the State Office Building,
6150 Van Nuys Boulevard, Van Nuys, California 91401.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

BUSINESS

MEETING: On **March 17, 2011**, following the Public Meeting, in the Auditorium of the State Office Building, 6150 Van Nuys Boulevard, Van Nuys, California 91401.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

OAL REGULATORY DETERMINATIONS

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS (Summary Disposition)

(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: January 19, 2011
To: Keith Lewis Sr.
From: Chapter Two Compliance Unit
Subject: **2011 OAL DETERMINATION NO. 1(S) (CTU2010-1129-04)**
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation Condemned Inmate Allowable Property, OP 608 Attachment B, San Quentin

On November 29, 2010, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether OP 608 Attachment B, dated September 2010 constitutes an underground regulation. The challenged rule is in. Specifically, you challenge the pages titled "Condemned Inmate Allowable Property." The pages titled "Condemned Inmate Allowable Property" were issued by the warden at San Quentin and are attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,¹

¹ "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a "local rule" adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the challenged rule "Condemned Inmate Allowable Property" (Exhibit A) was issued by San Quentin and applies solely to the inmates of San Quentin. Therefore, the rule is a "local rule" and is exempt

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

DEBRA M. CORNEZ

Assistant Chief Counsel/Acting Director

/s/

Elizabeth A. Heidig

Staff Counsel

Copy: Matthew Cate

Tim Lockwood

Gary Hines (CTU2010-1209-01)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: January 20, 2011

To: James Dailey

From: Chapter Two Compliance Unit

Subject: **2011 OAL DETERMINATION NO. 2 (S)**
(CTU2010-1229-01)

(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition Challenging as an Underground
Regulation Language Issued by Mule Creek
State Prison in Department Operations

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. [Emphasis added.]

Manual Supplement Section 54030 Prohibiting Used Books

On December 29, 2010, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether language in Department Operations Manual (DOM) Supplement section 54030 prohibiting used books constitutes an underground regulation. The copy of the challenged rule that you included with your petition did not have identifying information, but you assert that this section is in the DOM Supplement used at Mule Creek State Prison in Ione, California. The section does not appear in the statewide DOM; therefore, we base this determination on your assertion that the challenged rule is found in the DOM Supplement issued by Mule Creek State Prison. A DOM Supplement is adopted by an individual prison to supplement the general, statewide rules found in the statewide DOM. The challenged rule is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

¹ “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition appears to have been issued by Mule Creek State Prison and applies solely to the inmates of Mule Creek State Prison. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

DEBRAM. CORNEZ

Assistant Chief Counsel/Acting Director

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

[Emphasis added.]

/s/

Kathleen Eddy
Senior Counsel

Copy: Matthew Cate
Tim Lockwood

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

OFFICE OF ADMINISTRATIVE LAW

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

(Pursuant to title 1, section 270, of the
California Code of Regulations)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Elizabeth Heidig, Staff Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, California 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Jayson Gottman
9440 Butterfield Way
Sacramento, California 95827

Agency contact:

Suzanne Ambrose, Executive Officer
State Personnel Board
801 Capitol Mall
Sacramento, California 95814

Please note the following timelines:

Publication of Petition in Notice Register: February
04, 2011

Deadline for Public Comment: March 07, 2011

Deadline for Agency Response: March 21, 2011

Deadline for Petitioner Rebuttal: No later than 15
days after receipt of the agency’s response

Deadline for OAL Decision: June 06, 2011

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

Jayson F. Gottman
9440 Butterfield Way
Sacramento, CA 95827
916-698-3442

Office of Administrative Law

In the matter of,

Jayson F. Gottman

Alleged Underground Regulation by
State Personnel Board

Facts:

In July of 2009 Jayson F. Gottman ("Gottman") applied online at www.spb.ca.gov to take the exam for Staff Services Analyst General. Gottman was denied the opportunity to take the exam because of language supplied on the bottom portion of the State Personnel Board's ("SPB") testing website page which states that state service:

"does not include student assistant, seasonal, or legislative experience."

A copy of this proposed underground regulation regarding the use of seasonal employment is available at <https://exams.spb.ca.gov/ssaonline> and is repeated in part, in SPB's memorandum dated September 23, 2010 page 3, section number 8 (Exhibit A).

Because the minimum qualifications on the codified Specifications sheet for the position of SSA (Exhibit B) allows state service to be used in lieu of education under pattern II and does not mention exclusion of seasonal employment, Gottman promptly sent an appeal to SPB regarding the exclusion of seasonal and temp employment (Exhibit C).

Upon receiving the memorandum dated September 23, 2010; Gottman then filed a public records act request ("PRA") for any and all public records which refer, reflect, or otherwise relate to the use or exclusion of seasonal employment to meet minimum qualifications for the state civil service classification of Staff Services Analyst (Exhibit D).

SPB's response to this PRA dated October 26, 2010 (Exhibit E) denies the existence of any public records, available or withheld, which refers to the exclusion of seasonal employment, not to mention their own admission on their website which is in question here.

Issue:

Does SPB's claim that State Service "Does not include student assistant, seasonal, or legislative experience" qualify as an Underground Regulation?

Rule:

There is a three step process to determine whether the policy or procedure must be adopted as a regulation pursuant to the requirements and procedures of the APA if the regulation is not set out in an applicable statute or duly adopted regulation:

1. The policy must be either
 - a. A rule or standard of general application, or
 - b. A modification or supplement to such a rule

The rules set forth by the specifications sheet to meet the minimum qualifications are clear. An applicant may use state service in lieu of the education requirements in Pattern I. State service is defined in government code section 20069: "State service means service rendered as an employee or officer. . . of the state. . ." State service may be earned by seasonal employment. There is no mention in the government code of the exclusion of state service earned from seasonal employment to qualify for any position; therefore the policy of excluding seasonal employment by SPB is a rule of general application and modification to the government code by redefining "state service".

2. Has the policy or procedure been adopted by the agency to either:
 - a. Implement, interpret, or make specific the law enforced or administered by the agency's procedure?

As discussed supra, this policy interprets the language of the specifications regarding state service and is administered by the agency's procedure as evinced by their decision to terminate my employment as an SSA.

If the policy or procedure satisfies steps one and two above, then it is a "regulation" as defined in the APA and must be adopted pursuant to the APA unless it falls within an express statutory exemption from the requirements of the APA. Steps one and two are duly satisfied therefore only a statutory exemption shall relieve SPB of adopting this policy through the APA.

3. Has the policy or procedure been expressly exempted by statute from the requirement that it be adopted as a "regulation" pursuant to the APA?

I cannot find, nor do I believe there exists such a statute. Furthermore the PRA request I submitted to SPB did not produce any such document or refer to any such statute.

Dated: November 23, 2010

/s/
Jayson F. Gottman

Answer to Writ of Mandate

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Exempt From Filing Fees Pursuant to Government
Code section 6103

SUPERIOR COURT OF THE STATE
OF CALIFORNIA
COUNTY OF LOS ANGELES

INSURANCE COMMISSIONER STEVE
POIZNER,

Petitioner

v.

OFFICE OF ADMINISTRATIVE LAW,

Respondent,

AMERICAN COUNCIL OF LIFE
INSURERS; AMERICA INSURANCE
ASSOCIATION; ASSOCIATION OF
CALIFORNIA INSURANCE COMPANIES;
ASSOCIATION OF CALIFORNIA LIFE
AND HEALTH INSURANCE COMPANIES
and PERSONAL INSURANCE
FEDERATION OF CALIFORNIA,

Real Parties in Interest.

Case No. BS129209

ANSWER TO PETITION FOR WRIT OF MANDATE

Department 86

Hon. Ann Jones

Respondent, Office of Administrative Law, answers
the Petition for Writ of Mandate as follows:

1. Respondent lacks sufficient information or belief
to answer the allegations of paragraphs 1, 2, and 3, and
basing its denial on that ground, denies said allegations.

2. Respondent denies the allegations in paragraph 4.

3. Respondent lacks sufficient information or belief
to answer the allegations of paragraphs 5 and 6, and basing
its denial on that ground, denies said allegations.

4. Respondent admits the allegations in paragraph 7.

5. Respondent denies the allegations in paragraph 8.

6. Respondent admits the allegations in paragraph 9,
10 and 11.

7. Respondent lacks sufficient information or belief
to answer the allegations of paragraphs 12, 13, 14, 15
and 16, and basing its denial on that ground, denies said
allegations.

8. Respondent lacks sufficient information or belief
to answer the allegations of paragraphs 17, 18, 19, 20,
21, 22, 23, 24, 25, 26, 27, 28 and 29, and basing its den-
ial on that ground, denies said allegations.

9. Respondent admits the allegations in paragraphs
30, 31, 32.

10. Respondent denies the allegations in paragraph
33, but admits OAL received the insurers' Reply on Au-
gust 10, 2010.

11. Respondent lacks sufficient information or belief
to answer the allegations of paragraph 34, and basing its
denial on that ground, denies said allegation.

12. Respondent admits the allegations in paragraphs
35, 36, 37, 38, 39, 40, 41, 42, 43, and 44.

13. Respondent denies the allegations in paragraphs
45, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 55.

14. Respondent admits the allegations in paragraph
56.

15. Respondent denies the allegations in paragraphs
57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71,
72 and 73.

16. Respondent generally denies all other allegations
not specifically addressed in this answer.

AS A FIRST SEPARATE AND AFFIRMATIVE
DEFENSE, respondent alleges that the Petition fails to
state facts sufficient to constitute a cause of action.

AS A SECOND SEPARATE AND AFFIRMATIVE
DEFENSE, respondent alleges that petitions have an
adequate remedy available to them, other than manda-
mus.

PRAYER FOR RELIEF

WHEREFORE, Respondent, the Office of Adminis-
trative Law, prays that this Court deny the issuance of
the preemptory writ of mandate, and, further:

1. That Respondent recover its costs in this matter
and Petitioner take nothing; and,

2. That such other and further relief be granted as the Court deems just and proper.

Dated:

DEBRA M. CORNEZ

/s/

Assistant Chief Counsel/Acting Director,
Coordinating Attorney, Litigation and Appeals
OFFICE OF ADMINISTRATIVE LAW

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-1213-02

AIR RESOURCES BOARD

EWIR and GHG Passenger Vehicle 2010

On September 27, 2010, the Air Resources Board (ARB) submitted to the Office of Administrative Law (OAL) a regulatory action which proposed to amend sections 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136 and 2141 and repeal sections 2166 through 2175 of title 13 of the California Code of Regulations to remove the Emission Warranty Information Reporting (EWIR) program. Section 1961 of title 13 was revised by that regulatory action to amend the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles" as last amended March 29, 2010. On November 8, 2010, OAL approved this regulatory action. The title page for the document amended and incorporated by reference by section 1961 and filed with the Secretary of State with that regulatory action inadvertently removed March 29, 2010 from the list of previous revisions. On December 13, 2010, ARB submitted to OAL a filing without regulatory effect reinserting March 29, 2010 in the list of previous revisions on the title page of the incorporated "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles."

Title 13

California Code of Regulations

AMEND: 1961

Filed 01/19/2011

Agency Contact: Amy Whiting (916) 322-6533

File# 2010-1209-01

AIR RESOURCES BOARD

Portable Diesel Engines & Diesel Engines In/Off Road
— Part 2

This rulemaking action amends regulations in titles 13 and 17 of the California Code of Regulations concerning the Portable Engine Registration Program and Air Toxic Control Measures. Among other things, this rulemaking further specifies and amends record-keeping responsibilities of engine operators, adds notification requirements to equipment rental businesses, and changes the formula for determining particulate matter emission rates for certain engines.

Title 13, 17

California Code of Regulations

AMEND: Title 13: 2451, 2452, 2453, 2456, 2457, 2458, 2459 and Title 17: 93116.1, 93116.2, 93116.3

Filed 01/20/2011

Effective 02/19/2011

Agency Contact: Amy Whiting (916) 322-6533

File# 2011-0111-01

CALIFORNIA STUDENT AID COMMISSION

Implement Cal Grant Alternative Delivery System Pilot Program

This is an emergency readopt of OAL file 2010-0728-01E that adopted 23 new sections and amends 9 sections in Title 5 to implement AB 187 that establishes a pilot program for an alternative Cal Grant delivery system under which a qualifying institution, if it elects to participate and meets specified requirements, would be authorized to voluntarily administer award grants under the Cal Grant A and B Entitlement Programs and the California Community College Transfer Cal Grant Entitlement Program. This rulemaking also prescribes requirements for the selection of qualifying institutions within the University of California, California State University, and California Community Colleges for participation in the pilot program.

Title 5

California Code of Regulations

ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033

Filed 01/20/2011

Effective 01/20/2011

Agency Contact: Kathy Spencer (916) 464-3021

File# 2010-1210-01

DEPARTMENT OF FOOD AND AGRICULTURE
Biodiesel Standards and Biodiesel and E85 Labeling

This rulemaking adopts some sections, amends some sections and repeals some sections in Title 4 of the California Code of Regulations. This rulemaking adopts the ASTM International fuel quality specification D 7467 for biodiesel blends for use in compression ignition engines thereby allowing fueling stations to sell diesel blended with biodiesel. This rulemaking also places the regulations into compliance with the labeling requirements for alternative fuels, E85 Fuel Ethanol, M85 Fuel Methanol, biodiesel, bio blends, biomass diesel, and biomass diesel blends with the Federal Trade Commission as required under the National Energy Independence and Security Act of 2007. The Department is obliged by B&P Code sections 13440 and 13450 to incorporate by reference the latest versions of standards of a recognized consensus organization such as ASTM or SAE.

Title 4

California Code of Regulations

ADOPT: 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4200, 4201, 4202, 4203, 4204, 4205

Filed 01/24/2011

Effective 02/23/2011

Agency Contact: David Lazier (916) 229-3044

File# 2010-1217-02

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Federal Homelessness Prevention and Rapid Re-Housing Program

In this regulatory action, the Department of Housing and Community Development (Department) adopts regulations to establish policies and procedures for the administration of state contracts (standard agreements) previously entered into between the Department and awardees of federal "Homelessness Prevention and Rapid Re-Housing Program" funds. The regulations implement administrative requirements under federal Public Law 111-5 (the American Recovery and Reinvestment Act of 2009), Division A, Title 12, and under a notice issued by the U.S. Department of Housing and Urban Development pursuant to that federal law.

Title 25

California Code of Regulations

ADOPT: 7980, 7980.1, 7980.2, 7980.3

Filed 01/26/2011

Effective 02/25/2011

Agency Contact: Lenora Frazier (916) 323-4475

File# 2011-0112-01

DEPARTMENT OF INSURANCE

Loss Ratio Regulation for Individual Health Insurance Policies

The Department of Insurance submitted this emergency rulemaking action to amend section 2222.12 of title 10 of the California Code of Regulations. This amendment was prompted by the enactment of the federal Affordable Care Act, a series of health market reforms, and the Interim Final Rule, 45 Code of Federal Regulations Part 158, which describes the factors, scope, and method used in the calculation of loss ratios. The federal rules provide, among other things, that beginning January 1, 2011, health insurers offering coverage in the individual market must achieve at least an 80% loss ratio. Those insurers that do not meet this standard will be required to provide a refund the following calendar year.

As a result of this amendment, insurers in California will have to demonstrate both (1) compliance with the existing 70% lifetime anticipated loss ratio standard prescribed by section 2222.12, so that consumers are assured of receiving reasonable benefit value for their premium dollars on a policy-form basis, as well as (2) compliance with the 80% federal standard on a market-segment basis at the time of DOI's rate review, so that consumers can have the benefit of the federal medical loss ratio from the outset of the rate, rather than having to wait from eight to twenty months for a premium refund.

Title 10

California Code of Regulations

AMEND: 2222.12

Filed 01/24/2011

Effective 01/24/2011

Agency Contact: Bruce Hinze (415) 538-4392

File# 2010-1217-04

DEPARTMENT OF TRANSPORTATION

Mass Transportation

This rulemaking action amends title 21 of the California Code of Regulations Section 6680 to remove the San Diego Metropolitan Transit Development Board (SDMTDB) from among those agencies which can designate consolidated transportation service agencies, because the SDMTDB is no longer the Transportation Planning Agency for San Diego. The rulemaking also corrects an erroneous cross-reference to the California Corporations Code.

Title 21
California Code of Regulations
AMEND: 6680
Filed 01/25/2011
Effective 02/24/2011
Agency Contact: Gordon Arruda (916) 654-9396

File# 2010-1208-03
**OCCUPATIONAL SAFETY AND HEALTH
(CAL-OSHA) DIVISION**
Amusement Ride Fees

The Division of Occupational Safety and Health (Cal-OSHA) submitted this rulemaking action to increase the fees charged for inspections, reinspections, and investigations that OSHD performs on permanent amusement rides (rides installed in a fixed location) and portable amusement rides (rides assembled and disassembled at different sites as part of a traveling attraction). The hourly rate for an OSHD inspector's time will increase from \$125.00/hour to \$195/hour, and ride operators will be assessed a graduated annual flat fee for each ride depending on whether the ride is classified as small, medium, large, or extra-large, as specified, to cover administrative costs. The amended regulations are sections 344.6, 344.16, and 344.18 of title 8 of the California Code of Regulations, which will be effective upon filing.

Title 8
California Code of Regulations
AMEND: 344.6, 344.16, 344.18
Filed 01/20/2011
Effective 01/20/2011
Agency Contact:
Christopher P. Grossgart (415) 703-5080

File# 2010-1214-06
**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**
Proposition 65 NSRL for 2, 4, 6-Trinitrotoluene

The Office of Environmental Health Hazard Assessment submitted this rulemaking action to amend title 27, California Code of Regulations, section 25705, which provides specific regulatory levels that pose no significant risk level of cancer under Proposition 65 (Safe Drinking Water and Toxic Enforcement Act of 1986). The amendment adds 2,4,6-Trinitrotoluene (TNT) to the list of chemicals under section 25705(b)(1), provided exposure to TNT does not exceed 8.2 micrograms per day.

Title 27
California Code of Regulations
AMEND: 25705
Filed 01/26/2011
Effective 02/25/2011
Agency Contact: Monet Vela (916) 323-2517

File# 2010-1214-07
**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**
Proposition 65 NSRL for Glycidol (Carcinogen)

The Office of Environmental Health Hazard Assessment submitted this rulemaking action to amend title 27, California Code of Regulations, section 25705, which provides specific regulatory levels that pose no significant risk level of cancer under Proposition 65 (Safe Drinking Water and Toxic Enforcement Act of 1986). The amendment adds Glycidol to the list of chemicals under section 25705(b)(1), provided exposure to Glycidol does not exceed 0.54 micrograms per day.

Title 27
California Code of Regulations
AMEND: 25705
Filed 01/26/2011
Effective 02/25/2011
Agency Contact: Monet Vela (916) 323-2517

File# 2010-1217-05
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; HPI Grant Regulations

This regulatory action revises some of the requirements for earning points in order for a school district to be eligible to receive a High Performance Incentive grant for new construction and modernization projects. The purpose of these grants is to encourage the use of energy efficient designs and materials.

Title 2
California Code of Regulations
AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104
Filed 01/25/2011
Effective 01/25/2011
Agency Contact: Robert Young (916) 375-5939

File# 2010-1216-02
STATE PERSONNEL BOARD
Table of Contents of Title 2, California Code of Regulations

This action adds a new heading for subchapter 1.3 in chapter 1, division 1, title 2. It also adds new headings for articles 1 through 4 to that subchapter and amends the heading for article 25.

Title 2
California Code of Regulations
ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4 AMEND: Heading for Subchapter 1.3 — Article 25
Filed 01/26/2011
Agency Contact: John D. Smith (916) 651-1041

File# 2010-1207-02

STATE WATER RESOURCES CONTROL BOARD
Amendments to California Code of Regulations Implementing CEQA

This regulatory action amends existing regulations implementing the California Environmental Quality Act of 1970 (CEQA). The purpose of the amendments is to ensure consistency with statutory revisions to CEQA and various court decisions that have further interpreted CEQA with respect to certified regulatory programs.

Title 23

California Code of Regulations

ADOPT: 3775.5, 3776, 3779.5 AMEND: 3720, 3721, 3722, 3723, 3730, 3733, 3740, 3741, 3742, 3750, 3751, 3762, 3763, 3775, 3777, 3778, 3779, 3780, 3781 (Appendices A and C) REPEAL: 3760, 3761, 3764, 3776, 3782

Filed 01/19/2011

Effective 02/18/2011

Agency Contact: Sarah Olinger (916) 322-4142

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN August 25, 2010 TO
January 26, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

01/26/11 ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4
AMEND: Heading for Subchapter 1.3 — Article 25
01/25/11 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104
01/13/11 AMEND: 1859.2, 1859.302, 1866, Form SAB 50-02, 50-03, 50-04, 50-06, 50-07, 50-08, 50-09, 50-10, 61-04, 40-20, 40-21, 40-24
01/12/11 ADOPT: 172.9, 172.10 AMEND: 172.6, 172.7, 172.8, 172.10 (renumbered to 172.11), 172.11 (renumbered to 172.12)
REPEAL: 172.9
01/12/11 AMEND: 59.3 Appendix A

01/06/11 ADOPT: 649.17.1, 649.19, 649.20
AMEND: 647.4, 649.14, 649.15, 649.16, 649.17, 649.26, 649.28, 649.31, 649.32, 649.33, 649.48, 649.50, 649.51, 649.57, 649.62
01/06/11 AMEND: 67.3
12/28/10 AMEND: Div. 8, Ch. 114, Sec. 59590
12/21/10 AMEND: 561, 561.1, 561.2, 561.3, 561.4, 561.5, 561.8, 561.9, 561.11 (renumbered to 561.10), 561.12 (renumbered to 561.11), 561.13 (renumbered to 561.12) REPEAL: 561.10, 561.14
12/20/10 AMEND: 18723
12/20/10 ADOPT: 18215.2 AMEND: 18215, 18225, 18450.1, 18450.4, 18450.5
12/16/10 ADOPT: 1859.90.1 AMEND: renumber 1859.90.1 as 1859.90.2 (not shown), 1859.129, 1859.197
11/30/10 AMEND: 67.8 (Appendix A)
11/23/10 ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05
11/22/10 AMEND: 1859.2, 1859.83
11/16/10 AMEND: 7286.1
11/15/10 AMEND: 18545, 18703.4, 18730, 18940.2, 18943
11/15/10 AMEND: 18225
10/29/10 ADOPT: 1859.90.2 AMEND: Renumber 1859.90.2 to 1859.90.3, 1859.129, 1859.197
10/28/10 AMEND: 59.1
10/27/10 ADOPT: 1185.21, 1189 AMEND: 1181, 1181.1, 1181.2, 1181.4, 1183, 1183.01, 1183.02, 1183.03, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.11, 1183.12, 1183.131, 1183.14, 1183.2, 1183.21, 1183.30, 1183.31, 1183.32, 1185, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1186, 1187, 1187.2, 1187.3, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1189.1, 1189.3 REPEAL: 1181.3, 1189.4, 1189.5
10/26/10 ADOPT: 2297.1
10/21/10 ADOPT: 58.8 AMEND: 59.3
10/11/10 ADOPT: 599.937.4
10/07/10 AMEND: 51.1
10/07/10 AMEND: 51.2(u)
10/07/10 AMEND: div. 8, ch. 46, sec. 53500
10/05/10 AMEND: div. 8, ch. 79, sec. 56800
10/05/10 ADOPT: 1859.172 AMEND: 1859.162.3, 1859.171
10/04/10 AMEND: 1859.2, 1859.81
10/04/10 ADOPT: 642, 643, 644, 645 AMEND: 640, 641
09/27/10 AMEND: 18942, 18944.1

09/07/10 AMEND: Renaming of headings only, as follows: Article 4 of Chapter 1 to new Subchapter 1.2; Subarticles 1–10 of new Subchapter 1.2 to new Articles 1–10; and Chapters 1–5 of new Article 6 to new Subarticles 1–5.

09/02/10 ADOPT: 60804.1, 60815.1, 60820.1, 60855, 60856, 60857, 60858, 60859, 60860, 60861, 60862, 60863 AMEND: 60841, 60846, 60853 REPEAL: 60855

09/01/10 AMEND: 234, 548.70

09/01/10 AMEND: 234, 548.70

Title 3

01/13/11 AMEND: 3425(b), (c)

01/13/11 AMEND: 3591.20(a)

01/13/11 AMEND: 3591.15(a), (b)

01/11/11 AMEND: 1430.142

01/11/11 AMEND: 3591.20(a)

12/30/10 AMEND: 3435(b)

12/29/10 AMEND: 3434(b) and (c)

12/20/10 ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624

12/14/10 AMEND: 3434(b) and (c)

12/14/10 AMEND: 850

12/09/10 AMEND: 6860

12/06/10 AMEND: 3906

11/30/10 AMEND: 3406

11/24/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407

11/24/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407

11/22/10 AMEND: 3435(c)

11/18/10 AMEND: 105, 108

11/17/10 AMEND: 3434(b)

11/17/10 AMEND: 3434(b)

11/17/10 AMEND: 3437

11/15/10 REPEAL: 3000, 3001, 3002, 3003, 3004

11/09/10 AMEND: 3437

10/27/10 AMEND: 6447, 6447.2, 6784

10/21/10 AMEND: 3591.5(a)

10/18/10 AMEND: 3437(b)

10/11/10 AMEND: 3558(a)

10/11/10 AMEND: 3855

10/06/10 ADOPT: 1391, 1391.1, 1391.2, 1391.3, 1391.4 AMEND: 1391 (renumbered to 1391.5), 1391.1 (renumbered to 1391.6)

10/01/10 AMEND: 3434(b)

09/27/10 AMEND: 3

09/27/10 AMEND: 3437

09/22/10 AMEND: 3591.20(a)

09/14/10 AMEND: 3434(b)

09/13/10 ADOPT: 3437

09/09/10 AMEND: 3434(b)

09/02/10 AMEND: 3425(b)

08/26/10 AMEND: 3406(b)

08/26/10 AMEND: 3406(b)

08/26/10 AMEND: 3434(b) & (c)

08/26/10 ADOPT: 6531 AMEND: 6502, 6511, 6530

Title 4

01/24/11 ADOPT: 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4200, 4201, 4202, 4203, 4204, 4205

01/06/11 AMEND: 8070, 8072, 8073, 8074

01/06/11 ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590

12/14/10 AMEND: 10322(h)(5), 10325(c)(3)(B), 10325(c)(8)

12/07/10 ADOPT: 12347, 12348 AMEND: 12002, 12345

11/29/10 AMEND: 1374.2

11/29/10 AMEND: 8070, 8072, 8073, 8074

11/04/10 AMEND: 8034, 8035, 8042, 8043

11/02/10 AMEND: 12480, 12488, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504, 12508

10/26/10 AMEND: 1844

10/04/10 ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036

09/29/10 AMEND: 8070, 8072, 8073, 8074

09/15/10 AMEND: 10323

09/09/10 AMEND: 1766

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08/30/10	ADOPT: 213.2 AMEND: 211, 213, 293, 405	
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01/20/11	ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033	
01/14/11	ADOPT: 11968.5	
01/10/11	AMEND: 30730, 30731, 30735, 30736	
12/23/10	AMEND: 2, 30, 50, 70, 401, 641, 1021, 1023.1, 1025, 1030, 1633, 3082, 3088.1, 3947, 4417, 4421, 4422, 4424, 5504, 5594, 5601, 5710, 10042, 10070, 10090, 11004, 11005, 11010, 11214, 11234, 11250, 11503, 11508, 11523, 11530, 11531, 11537, 11538, 13000, 13009, 13014, 13025, 13039, 13040, 13043, 13052, 14100, 15106, 15158, 15184, 15375, 15376, 15384, 15405, 15531, 15532, 15534, 15535, 15550, 15551, 16000, 18000, 18009, 18013, 18016, 18025, 18031, 18032, 18056, 18057, 18070, 18071, 18072, 18073, 18242, 18300, 18303, 18305, 18306, 18307, 18308, 18460, 18461, 18533	
12/22/10	AMEND: 80413.3 REPEAL: 80430.2	
12/02/10	ADOPT: 4700, 4701, 4702, 4703	
12/01/10	ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240	
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08/30/10	ADOPT: 30960, 30961, 30962, 30963, 30964	
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11/23/10	AMEND: 206, 207	
11/09/10	AMEND: 219, 202	
10/13/10	AMEND: 212.5	
10/13/10	AMEND: 212.5	
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01/20/11	AMEND: 344.6, 344.16, 344.18	
12/29/10	AMEND: 1709	
12/09/10	AMEND: 2813	
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12/08/10	AMEND: 344.30	
12/08/10	AMEND: 1648, 1675, 3276, 3277, 3278, 3287, 3413, 3458.1 REPEAL: 1678, 3279, 3280	
11/15/10	AMEND: 9701, 9702	
11/04/10	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464	
11/02/10	ADOPT: 5197	
11/02/10	AMEND: 1504, 1637, 3622	
10/27/10	ADOPT: 1600.1 AMEND: 1600, 1601	
10/05/10	AMEND: 3395	
09/27/10	AMEND: 10232.2	
09/23/10	AMEND: 9767.3	
09/14/10	AMEND: 10253.1	
09/13/10	AMEND: 5206(d)(4)(a), 1532.2(d)(4)(a), 8359(d)(4)(a)	
09/01/10	AMEND: 1502	
08/30/10	AMEND: 4848	
08/30/10	AMEND: 5158	
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10/18/10	ADOPT: 1810.326, 1810.376, 1810.439 AMEND: 1810.317, 1810.321, 1810.323, 1810.345, 1810.350, 1810.360, 1810.365, 1810.375, 1810.380, 1810.425, 1810.430, 1810.435, 1810.436, 1810.438, 1820.220, 1820.225, 1830.215, 1840.112, 1850.213	
09/20/10	ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212	
09/20/10	ADOPT: 7213, 7213.1, 7213.2, 7213.4, 7213.5, 7213.6, 7214, 7214.1, 7214.2, 7214.3, 7214.4, 7214.5, 7214.6, 7214.7, 7214.8, 7215, 7215.1, 7216, 7216.1, 7216.2, 7218, 7220, 7220.3, 7220.5,	
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01/24/11	AMEND: 2222.12	
12/31/10	ADOPT: 2582, 2582.1, 2582.2, 2582.3	
12/30/10	AMEND: 2614, 2614.7, 2614.13	
12/29/10	ADOPT: 2188.65, 2695.180, 2695.181, 2695.182, 2695.183 AMEND: 2190.2, 2190.3	
12/29/10	AMEND: 2542.4	
12/23/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122	
11/04/10	AMEND: 2689.8(c)	
10/21/10	AMEND: 2498.6	
10/18/10	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741	
10/11/10	ADOPT: 2278.50, 2278.51, 2278.52, 2278.53, 2278.54, 2278.55, 2278.56, 2278.57, 2278.58, 2278.59	
09/28/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3,	

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09/20/10	AMEND: 2494.4.9	11/22/10	AMEND: 1220
09/16/10	AMEND: 3006, 3007, 3007.05, 3007.2, 3007.3, 3007.6, 3008, 3010, 3011.1, 3011.2, 3011.4, 3012.2 REPEAL: 3005	11/19/10	AMEND: 895.1, 914.7, 915.1, 916.9, 923.1, 923.2, 923.5, 934.7, 935.1, 936.9, 943.1, 943.2, 943.5, 954.7, 955.1, 956.9, 963.1, 963.2, 963.5, 1093.2, 1104.1
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12/29/10	AMEND: 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1052, 1053, 1055, 1056, 1071, 1080, 1081, 1083	10/18/10	AMEND: 13800
11/02/10	ADOPT: 51.26	10/11/10	ADOPT: 749.6
10/07/10	ADOPT: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15 AMEND: 994.1, 994.2, 994.4, 994.5, 994.6 REPEAL: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16	10/07/10	AMEND: 20030, 20040, 20050, 20060, 20070, 20080, 20090, 20100, 20110
10/06/10	AMEND: 9040, 9041	10/05/10	AMEND: 125, 125.1
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01/03/11	AMEND: 1239	09/21/10	AMEND: 787.1, 787.4, 787.5, 787.6 REPEAL: 787.2, 787.9
12/23/10	AMEND: 423.00	09/08/10	AMEND: 300
11/09/10	AMEND: 551.15, 551.17, 556, 558, 561, 586	Title 15	
11/08/10	AMEND: 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136, 2141 REPEAL: 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, 2174	01/14/11	ADOPT: 4190, 4191 REPEAL: 4192.5, 4193, 4196
10/12/10	ADOPT: 1235.7 AMEND: 1200, 1235.1, 1235.2, 1235.4, 1256	12/13/10	ADOPT: 3084.8, 3084.9, 3086 AMEND: 3000, 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3137, 3173.1, 3179, 3193, 3220.4, 3482, 3630, 3723 REPEAL: 3085
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01/20/11	AMEND: Title 13: 2451, 2452, 2453, 2456, 2457, 2458, 2459 and Title 17: 93116.1, 93116.2, 93116.3	11/16/10	AMEND: 1730, 1778, 1790
10/19/10	AMEND: Title 13: 2025, 2449, 2449.3, 2452, 2453, 2456, 2458, 2460, 2461, 2462 and Title 17: 93116.1, 93116.2, 93116.3	10/14/10	ADOPT: 4168.7, 4171.5 AMEND: 4166, 4168, 4168.5, 4169, 4169.5, 4169.9, 4170.5, 4171, 4173, 4174, 4174.5, 4174.6 REPEAL: 4172
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		12/21/10	ADOPT: 38, 47, 48.4 AMEND: 48.6
		12/20/10	AMEND: 1520
		12/20/10	ADOPT: 1399.557
		12/20/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6
		12/15/10	ADOPT: 321.1
		12/14/10	AMEND: 1018

12/09/10 ADOPT: 1571
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 10/13/10 AMEND: 30100, 30195 REPEAL:
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 3.04, 3.06, 3.07, 3.08, 3.11, 3.12, 3.13,
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 12/15/10 AMEND: 100105
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 10/26/10 AMEND: 97234, 97264, 97267
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		01/26/11	AMEND: 25705
12/17/10	ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5	12/16/10	AMEND: 25805
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12/15/10	AMEND: 3943	Title MPP	
12/07/10	ADOPT: 3909 AMEND: 3900	12/22/10	AMEND: 42-302, 42-712, 42-713
11/18/10	AMEND: 2200, 2200.3, 2200.4, 2200.6	09/03/10	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
11/17/10	AMEND: 1062, 1064, 1066, 3833.1		
11/4/20	ADOPT: 3929.5	08/26/10	AMEND: 40-188
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